

EXHIBIT 5

ROUGH DRAFT

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1 ROUGH DRAFT - UNCERTIFIED

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3 This transcript is an UNCERTIFIED ROUGH DRAFT

4 TRANSCRIPT. It contains raw output from the court

5 reporter's stenotype machine translated into

6 English by the court reporter's computer, without

7 the benefit of proofreading. It will contain

8 untranslated steno outlines, mistranslations (wrong

9 words), and misspellings. These and any other

10 errors will be corrected in the final transcript.

11 Since this rough draft transcript has not been

12 proofread, the court reporter cannot assume

13 responsibility for any errors therein. This rough

14 draft transcript is intended to assist attorneys in

15 their case preparation and is not to be construed

16 as the final transcript. It is not to be read by

17 the witness or quoted in any pleading or for any

18 other purpose and may not be filed with any court.

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1 this is the one and only aspect. It's a trade-off
2 of multiple different considerations. Security
3 is -- security is one of them.

4 Q. Understood.

5 Would you support the use of an election
6 system that could be hacked in a few minutes by a
7 voter in the voting booth?

8 A. I would not -- I would -- I would want to
9 see the data on -- on how that could be done, but
10 generally hacking is not a good idea. It's
11 something that you'd like to -- like to oppose, but
12 I'd like -- I'd have to see the particular
13 circumstances.

14 If it could be hacked in a -- in a
15 courtroom under artificial circumstances, that's
16 very different than being hacked in the wild.

17 Q. But from your answer is it -- am I
18 understanding correctly that you would not support
19 an election system that could be hacked in a few
20 minutes by a voter in the voting booth?

21 MS. JOHNSON: Mr. Mashburn's opinion in
22 his personal capacity. He's here in his capacity

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1 as a member of the State Board of Elections, but

2 you can answer.

3 A. You would want to avoid a system that
4 could be hacked by a random person in the wild.

5 Q. Are you familiar with BMD's?

6 A. Sure.

7 Q. Do you know how they work?

8 A. Yes. I just used one the other day.

9 Q. What company manufacturers the BMD's?

10 A. I don't know.

11 Q. What company does the State of Georgia
12 have a contract with that provides the BMD's to the
13 State of Georgia?

14 A. I don't know.

15 Q. Are you familiar with Dominion?

16 A. I've heard -- I've heard of them, yes.

17 Q. Are you aware that the State of Georgia
18 has contracted with Dominion for Dominion to
19 provide BMD's to the State of Georgia?

20 MS. JOHNSON: He stated he wasn't aware
21 who the State of Georgia had a contract with. You
22 can answer.

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1 A. Yeah, I don't know who the contract's
2 with.

3 Q. Have you interacted at all with Dominion?

4 A. No. Wait. Scratch that. We had a
5 representative of Dominion at a State Election
6 Board meeting to testify, and he answered some of
7 my questions. So I guess that's an interaction,
8 but other than that, no.

9 Q. Have you inspected one of the BMD machines
10 before?

11 A. I've seen them and I've used them.

12 Q. Do you know how the BMD machines are
13 programmed?

14 A. No.

15 Q. That's not something that you discussed
16 with other State Election Board members?

17 A. We did have a question about adjusting
18 the -- how it reads a mark, but I didn't discuss
19 programming other than just the general idea of
20 that you want to have it read this much. But how
21 you accomplish that through programming I have no
22 idea.

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1 Q. Would you support the use of an election
2 equipment that could be hacked in such a way that
3 both the QR codes and the human readable text could
4 be altered?

5 MS. JOHNSON: (Inaudible.)

6 THE REPORTER: I'm sorry. I couldn't hear
7 you, Melanie.

8 MS. JOHNSON: Object to form and lack of
9 foundation.

10 A. Well, spec- -- all right. Ask me the
11 question again, please. Just repeat the question.

12 Q. Would you support the use of an election
13 equipment that could be hacked in such a way that
14 both the QR codes and the human readable text could
15 be altered?

16 MS. JOHNSON: Objection. You can answer.

17 A. If it was a theor- -- if it was a
18 theoretical possibility, it would just depend on a
19 lot of other factors, but you have the voter who
20 checks it. So it would be really strange to have a
21 system that alters it before the voter looks at it
22 and the voter doesn't know -- none of the voters

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1 that look at it notice. That just would -- I just
2 can't -- I just can't anticipate that that could be
3 possible.

4 Q. How about a system -- sorry. Strike that.

5 So just going back on your previous
6 answer, you noted that you couldn't anticipate that
7 it would be possible, but regardless of whether you
8 can anticipate that it's possible, let's assume it
9 is possible. Would you support the use of an
10 election equipment that could be hacked in such a
11 way that both QR codes and human readable text
12 could be altered?

13 MS. JOHNSON: Object to form, misstates
14 his prior testimony, lack of foundation, and
15 relevance.

16 A. Yeah. I just -- I don't think it's
17 possible to have a system where you hack and none
18 of the voters who review their ballots don't catch
19 that it's -- that it's switched. The voters are
20 too concerned about their votes. We had so many
21 questions about calibrations on the DRE's, the
22 voters were all over it. So I can't support or --

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1 or oppose a system that's just not possible.

2 Q. Understood.

3 You testified a few minutes earlier that
4 you understood that only -- initially only the QR
5 codes are tabulated and not the human readable
6 text, correct?

7 A. The scanner reads the QR codes, correct.

8 Q. Okay. So would you support the use of
9 election equipment that could be hacked in such a
10 way that only the QR codes are altered but the
11 human readable text shows the voter's intent?

12 MS. JOHNSON: Same objection.

13 A. If I knew -- if I knew that it was
14 possible -- if I knew it was happening -- scratch
15 that.

16 If I knew it was possible to do that, that
17 would not be a system that I support. I would want
18 to know -- I would want to know more information as
19 to how somebody's marketing a system that that
20 could happen. How did that -- how did that meet
21 the request -- how did that meet the proposal,
22 request for proposals.

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1 people's representatives in the General Assembly to
2 choose that as a method. I don't object to it as a
3 method, but I would object strenuously to it being
4 as the sole method.

5 Q. If you found out after an election that
6 your vote had not counted, would that concern you?

7 A. Yeah. I would want to know why.

8 Q. What if you found out that your vote had
9 been counted for a different candidate, would that
10 concern you?

11 MS. JOHNSON: Objection. These questions
12 are outside of Mr. Mashburn's role as a State
13 Election Board member, but you can answer.

14 A. Well, it's a secret ballot. So I don't
15 know how -- I don't know how that -- I don't even
16 know how that would be discovered. Would I
17 discover it or would they discover it? Who would
18 discover it?

19 I'm not supposed to ask you question, I
20 realize. I'm sorry. I breached deposition
21 protocol. I'm sorry. I asked rhetorically. I ask
22 rhetorically, not of you, but rhetorically how

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1 retained by both parties in this litigation?

2 A. Yes.

3 Q. Do you know who those experts are?

4 A. No.

5 Q. Have you discussed the retention of

6 experts in this litigation with members of the

7 State Election Board?

8 A. Not to my knowledge.

9 Q. So how did you become aware that experts

10 have been retained by both parties in this

11 litigation?

12 A. I think I read it in an Atlanta Journal

13 article.

14 Q. And so do you know who the experts are

15 that have been retained?

16 A. No.

17 Q. Are you familiar with Alex Halderman?

18 A. No.

19 THE REPORTER: What was the last name,

20 Tamara?

21 MS. WIESEBRON: Halderman, H A L D E R M A

22 N.

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1 THE REPORTER: Thank you.

2 Q. And so you're not aware that he provided
3 an expert report in this litigation?

4 A. No. Sorry to have interrupted you. I
5 apologize, but no.

6 Q. All right.

7 And do -- so you're not aware that he is a
8 cybersecurity expert?

9 A. I don't know him.

10 Q. Okay. And would you be interesting --
11 interested to find out what is in his expert
12 report?

13 MS. JOHNSON: Object to form. You can
14 answer.

15 A. If I -- yeah. If I knew who he was and I
16 knew if he had anything relevant, sure. I'm always
17 up to reading anything that I can -- anything I can
18 read to educate myself.

19 Q. And so you mentioned earlier that you're
20 not familiar with what this case is about?

21 A. Not offhand, no.

22 Q. And have you discussed this case with

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1 other State Election Board members?

2 A. Not that I particularly recall this case.

3 We do have executive sessions where counsel comes

4 in and briefs the board on pending litigation, but

5 we've been sued a lot. So this case doesn't stand

6 out in my mind.

7 Q. Got it.

8 And have you personally discussed this

9 case with anyone?

10 A. No particular conversations come -- come

11 to mind. I suspect that if somebody came and said,

12 hey, I talked to you about this, I wouldn't have

13 any information to dispute them, but I don't recall

14 any particular conversations about this particular

15 case other than I talked to the lawyer yesterday or

16 the day before that I was having a deposition.

17 Q. Do you know anything about the serious

18 vulnerabilities that Mr. Halderman found?

19 MS. JOHNSON: Object to form. You can

20 answer.

21 A. I don't know anything about Halderman.

22 Q. Would you be interested to know what those

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1 serious vulnerabilities are?

2 MS. JOHNSON: Same objection.

3 A. Sure. If he's -- if he's -- if it's a
4 credible person who has relevant information, I
5 would be interested -- always interested to hear
6 it. We get a lot of crack pots, but if he's -- if
7 he's -- if he's wise and has good data, I'm always
8 interested to hear it.

9 Q. Do you know whether the State Election
10 Board or anyone from the Secretary of State's
11 office has done anything to remedy the
12 vulnerabilities pointed out by Mr. Halderman?

13 MS. JOHNSON: Same objection.

14 A. I wouldn't know.

15 Q. Are you aware --

16 A. I mean, if -- if I don't know about him, I
17 don't know about his recommendations, I wouldn't
18 know that I was instituting his recommendations,
19 but we might have instituted something of his
20 recommendations without me knowing it was
21 attributable to him. So it's hard to -- hard to
22 know. Or he might have had the same idea as

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1 Q. Okay. Do you know whether they compared
2 each single paper ballot to the machine recorded
3 ballot?

4 MS. JOHNSON: Object to form.

5 A. Yeah. My recollection was they did them
6 in batches.

7 Q. Okay. So just to clarify, you did not
8 hear from the Secretary of State that they compared
9 every single paper ballot to that same single
10 machine recorded ballot, right?

11 A. Yeah. I would have -- I would have
12 thought that would have been a very time-consuming
13 waste of time to run each ballot individually
14 through the machine. I would think that would take
15 forever.

16 Q. Understood.

17 Let's see. Okay. Are you aware that
18 malware could be introduced to BMD machines through
19 USB sticks?

20 MS. JOHNSON: Object to form. You can
21 answer.

22 A. In different contexts, in artificial